

PROPOSED ORDER/COVER SHEET

TO: The Honorable Nandor J. Vadas
U.S. Magistrate Judge

FROM: Claudette M. Silvera, Chief
U.S. Pretrial Services Officer

RE: Christopher Johnson

DOCKET NO.: CR05-0651 CW

DATE: December 2, 2005

THE ATTACHED MEMORANDUM WAS PREPARED BY PRETRIAL SERVICES OFFICER:

Steven J. Sheehan _____ **(510) 637-3752**
U.S. Pretrial Services Specialist _____ **TELEPHONE NUMBER**

RE: VIOLATION OF RELEASE CONDITIONS

We are requesting direction from the Court. Please initial the appropriate box(es), and return this form to us so that we may comply with your instructions.

- I have reviewed the information that you have supplied. I do not believe that this matter requires any action by this Court at this time.
- Inform all parties concerned that I will conduct a Bail Review Hearing in Courtroom No. _____ on _____ at _____.
- Inform all parties concerned that a Bail Review Hearing will be conducted by: Magistrate Judge _____ Presiding District Court Judge _____
- I agree with the recommendation of the Pretrial Services Officer and hereby modify the defendant's Pretrial Release conditions as indicated below:
- Modification(s)
 - A.
 - B.
- Bail Revoked/Bench Warrant Issued.**
- I am returning the signed order and direct that a copy be provided to the Court file and all interested parties(AUSA and Defense Counsel).
- Other Instructions:



JUDICIAL OFFICER

12/5/05

DATE

To: The Honorable Nandor J. Vadas
U.S. Magistrate Judge
From: Steven J. Sheehan
U.S. Pretrial Services Specialist
Subject: Johnson, Christopher
CR 05-00351 MHP



MEMORANDUM

VIOLATION OF RELEASE CONDITIONS

Date: December 2, 2005

Your Honor,

Christopher Greg Johnson is one of five defendants charged in an Indictment with a violation of Title 18, United States Code, Section 371 - Conspiracy to Commit Access Device Fraud; Title 18, United States Code, Section 1028(a) - Aggravated Identity Theft; Title 18, United States Code, Section 1029(a) - Access Device Fraud; and Title 18, United States Code, Section 1029(a)(5) - Access Device Fraud.

Mr. Johnson initially appeared before the Court on October 28, 2005, charged with the above offense. On November 18, 2005, the defendant was ordered to be released on a \$100,000 bond, secured by the signature of Christopher Golfe, with the following special conditions of release:

1. Defendant shall not travel outside the counties of Alameda, Marin and San Francisco;
2. Defendant shall report to Pretrial Services as directed;
3. Defendant shall surrender all passports and visas to the Court by 11/18/05 and shall not apply for any passports or other travel documents;
4. Defendant shall not possess any firearm, destructive devices or other dangerous weapons;
5. Defendant shall participate in drug, alcohol and mental health counseling, and submit to drug and alcohol testing, as directed by Pretrial Services;
6. Defendant shall have no contact with any co-defendant out of the presence of counsel;
7. Defendant shall not change residence without prior approval of Pretrial Services; and
8. **Defendant must participate in Residential Treatment.**

On Monday, November 21, 2005, Mr. Johnson was released from the U.S. Marshals in Oakland, California, and was admitted to Center Point's Residential Treatment Program located in San Rafael, California.

VIOLATION: On November 29, 2005, the defendant was reportedly observed by treatment staff running away from the Center Point treatment facility with two other clients. According to the two other clients, who later returned to the Center Point facility requesting to re-enter the program, the defendant promised the two clients jobs in the San Francisco Bay Area and "borrowed" roughly \$9.00 in cash from them to make calls and purchase coffee.

The Honorable Nandor J. Vadas
United States Magistrate Judge
Violation Memorandum

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The two clients reported that shortly after making various telephone calls, Mr. Johnson was picked up by a friend in a vehicle and left them behind. The defendant allegedly made the comment to the clients that he would try to enter a treatment program of "his liking" before a violation was filed. As of the writing of this memorandum, Mr. Johnson has not contacted the undersigned or Center Point, and his whereabouts are unknown.

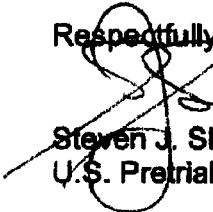
On November 30, 2005, the undersigned Officer spoke with defense counsel Randall Knox, who had not spoken with the defendant since his departure from Center Point. A message was left for Assistant U.S. Attorney Kirsten Ault, who was out of the office during the week of November 28th. Also, a message was left for Mr. Golfe, the defendant's surety, on November 30, 2005, advising of the defendant's unauthorized absence from Center Point and asking that he contact Pretrial Services as soon as possible. Mr. Golfe has yet to return the undersigned's call.

For the Court's information, this Officer met with Mr. Johnson on November 21 and 28, 2005. Mr. Johnson never mentioned any issues he had participating in the Center Point Treatment Program.

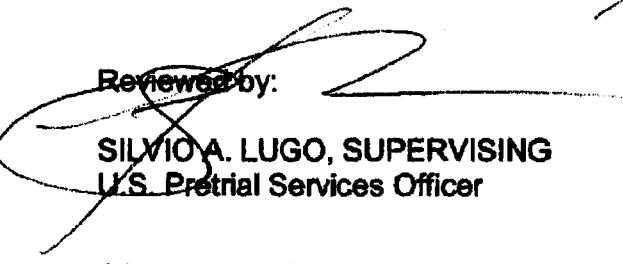
Recommendation: On November 29, 2005, the defendant left the Center Point Residential Treatment Program without prior authorization of the Court, he has failed to communicate with either his attorney or Pretrial Services since his departure from the treatment program, and his current whereabouts are unknown to all parties. As such, Pretrial Services respectfully recommends that a no-bail arrest warrant be issued for the defendant for violating the terms of his release.

This memorandum is submitted for Your Honor's information and consideration. Should Your Honor have any questions or concerns, please do not hesitate to contact the undersigned at (510) 637-3752.

Respectfully Submitted,


Steven J. Sheehan
U.S. Pretrial Services Specialist

Reviewed by:


SILVIA A. LUGO, SUPERVISING
U.S. Pretrial Services Officer

CC: Ms. Monica L. Fernandez, Assistant U.S. Attorney

Mr. Randall G. Knox
870 Market Street, Suite #1152, San Francisco, CA 94102

UNITED STATES DISTRICT COURT

for the

Northern District of California

U.S. vs CHRISTOPHER JOHNSON Docket No. CR05-0651 CW

Petition for Arrest Warrant and Supporting Affidavit

I, Steven J. Sheehan, a U.S. Pretrial Services Specialist employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

1. Mr. Johnson initially appeared before the Court on October 28, 2005, charged in a multi-defendant Indictment with violations of Title 18, United States Code, Section 371 - Conspiracy to Commit Access Device Fraud; Title 18, United States Code, Section 1028(a) - Aggravated Identity Theft; Title 18, United States Code, Section 1029(a) - Access Device Fraud; and Title 18, United States Code, Section 1029(a)(5) - Access Device Fraud.
2. On November 18, 2005, the defendant was ordered to be released on a \$100,000 bond, secured by the signature of Christopher Golfe, with special conditions of release.
3. On Monday, November 21, 2005, Mr. Johnson was released from the U.S. Marshals office in Oakland, California. The defendant entered the Center Point Residential Treatment Program, located in San Rafael, California, that same day.
4. On November 29, 2005, the defendant was observed by treatment staff running away from the Center Point treatment facility with two other clients.
5. As of December 2, 2005, the defendant's present whereabouts are unknown to Pretrial Services, defense counsel or the Assistant U.S. Attorney.

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Supporting Affidavit

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6. Pretrial Services believes the information contained herein to be trustworthy and credible based on Center Point's direct involvement and interaction with the defendant while in residential substance abuse treatment. Center Point is contracted by U.S. Probation and Pretrial Services to provide treatment services for defendants released on supervision.

Based on the foregoing information, there is probable cause to believe that Christopher Johnson violated the conditions of his federal bond and his pretrial release. Therefore, the undersigned Officer respectfully requests that the Court issue a no-bail warrant for Christopher Johnson's arrest.

Respectfully submitted,



Steven J. Sheehan
U.S. Pretrial Services Specialist
Place Oakland, California
Date December 2, 2005

Having considered the information set forth above,

THE COURT ORDERS:

- The issuance of a no-bail warrant for the defendant's arrest so that he may be brought before the Court to show cause why bail should not be revoked.
 Other: _____

12/5/05

Date



The Honorable Nandor J. Vadas
U.S. Magistrate Judge